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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A nucleic acid construct comprising:  
one or more operatively linked nucleic acid molecules, wherein the nucleic acid molecule encodes a Kunitz-type serine proteinase inhibitor isolated from *Brassica oleracea*, wherein the serine proteinase inhibitor has insect antibiosis activity[[:]] and wherein the nucleic acid molecule either: (a) has a nucleotide sequence of SEQ ID NO: 1 or (b) encodes a protein having an amino acid sequence of SEQ ID NO: 2;  
having a  
an operably linked heterologous DNA promoter; and  
an operably linked 3' regulatory region.
2. canceled
3. (previously presented) An expression system comprising:  
the nucleic acid construct according to claim 1.
4. (previously presented) A host cell transformed with the nucleic acid construct according to claim 1.
5. (previously presented) The host cell according to claim 4, wherein the host cell is selected from the group consisting of a bacterial cell, a virus, a yeast cell, and a plant cell.
6. (previously presented) The host cell according to claim 5, wherein the host cell is a plant cell.
7. (previously presented) The host cell according to claim 5, wherein the host cell is a bacterial cell.
8. (previously presented) A transgenic plant transformed with the nucleic acid construct according to claim 1.

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9. canceled

10. (previously presented) The transgenic plant according to claim 8, wherein the plant is selected from the group consisting of Gramineae, Liliaceae, Iridaceae, Orchidaceae, Salicaceae, Ranunculaceae, Magnoliaceae, Cruciferae, Rosaceae, Leguminosae, Malvaceae, Umbelliferae, Labitatae, Solanaceae, Cucurbitaceae, Compositae, and Rubiaceae.

11. (previously presented) A transgenic plant seed transformed with the nucleic acid construct according to claim 1.

12. canceled

13. (previously presented) The transgenic plant seed according to claim 11, wherein the plant is selected from the group consisting of Gramineae, Liliaceae, Iridaceae, Orchidaceae, Salicaceae, Ranunculaceae, Magnoliaceae, Cruciferae, Rosaceae, Leguminosae, Malvaceae, Umbelliferae, Labitatae, Solanaceae, Cucurbitaceae, Compositae, and Rubiaceae.

14. (previously presented) A method of conferring resistance to insects to plants comprising:

transforming a plant or plant seed with the nucleic acid construct according to claim 1 and

growing the transformed plant or plants produced from the seeds of the transformed plant under conditions effective to impart resistance to insects.

15. (previously presented) The method according to claim 14, wherein a transgenic plant is provided.

16. (previously presented) The method according to claim 14, wherein a transgenic plant seed is provided.

17. canceled

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18. (previously presented) The method according to claim 14, wherein the insects are selected from a group consisting of the orders of Lepidoptera, Coleoptera, Diptera, Homoptera, Hemiptera, Thysanoptera, and Orthoptera.

19. (previously presented) The method according to claim 14, wherein the insects are *Heliothis viresens* (tobacco budworm) or *Heliothis zea* (corn earworm).

20. (previously presented) The method according to claim 14, wherein the transgenic plant is selected from a group consisting of Gramineae, Liliaceae, Iridaceae, Orchidaceae, Salicaceae, Ranunculaceae, Magnoliaceae, Cruciferae, Rosaceae, Leguminosae, Malvaceae, Umbelliferae, Labitatae, Solanaceae, Cucurbitaceae, Compositae, and Rubiaceae.

21.-28. (canceled)